

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,
Plaintiff,

v.

WILLIAM WOLFE, et al.,
Defendants.

)
) No. CA-04-230-ERIE
) Magistrate Judge Baxter
) District Judge Cohill
)
)

MOTION TO REOPEN INJUNCTION REQUEST

AND NOW, comes Plaintiff, asking this Honorable Court to reopen the preliminary injunction request and its Order, and in support avers:

1. This Court held a preliminary injunction hearing via telephone on April 21, 2005.

2. On or about June 10, 2005, Plaintiff received a Final Order by District Judge Cohill claiming that this Court had sent Plaintiff its Report and Recommendation (hereinafter "R & R") by certified or registered mail on or about April 6, 2005 (Doc #85). Plaintiff never received this R & R.

3. In a pleading sent to this Court and Clerk, Plaintiff asked the Court to send him a copy of it's R & R and grant him permission to appeal it, if necessary. However, this was not docketed in the docket sheet. However, attached hereto, marked Ex. "A" is a letter and stamped received by the Clerk of this Court, showing Plaintiff did in fact mail it (a Letter Brief).

4. The District Court stated this Court mailed its R & R to Plaintiff by certified or registered mail; Plaintiff never signed anything. Plaintiff is requesting this Court to verify that it was received by Plaintiff; and to notify him who signed for the document, if anyone.

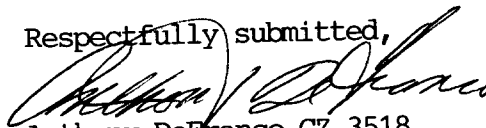
5. This shows the Court that the Defendants do very under-handed

things; all to win the case and stop Plaintiff from pursuing the matter and waiving any appellate review. This should also show this Court that the Defendants also thwart the system by not answering grievances and doing other under-handed things to inmates.

WHEREFORE, Plaintiff asks the Court to Reopen the preliminary injunction, forward a copy of the R & R to him and allow him to file Objections; and to further notify him who signed for the April 26, 2005 (Doc.#85) document so he may incorporate them in a possible lawsuit. And for any other relief.

Date: 8/13/05

Respectfully submitted,



Anthony DeFranco CZ-3518
10745 Route 18
Albion, Pa. 16475-0002

CERTIFICATE OF SERVICE

Service was made by US First
Class Mail to the Attorney
General's Office, 564 Forbes Ave.,
Pittsburgh, Pa. 15219, this date.